

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WACKER NEUSON PRODUCTION
AMERICAS, LLC,

Plaintiff/Counter-Defendant,

v.

CITY OF NORTON SHORES,

Defendant/Counter-Claimant.

Case No. 1:19-cv-18

HON. JANET T. NEFF

ORDER TO SHOW CAUSE

On April 24, 2019, the Court conducted a Rule 16 scheduling conference. Following the conference, the Court issued a case management order setting forth numerous dates and deadlines, including a December 31, 2019 deadline for the parties to file any pre-motion conference requests (ECF No. 9). On October 11, 2019, an order was issued extending the discovery deadline to December 31, 2019 and advising the parties that no other deadlines were changed by the order (ECF No. 42).

This matter is now before the Court on Plaintiff/Counter-Defendant's Request for Pre-Motion Conference (ECF No. 71), which was filed more than eight months after the deadline set by the Court. Defendant/Counter-Claimant filed a Response to the request (ECF No. 73). Neither party addresses the fact that the Request is untimely nor do they mention the potential impact that proceeding with a motion for summary judgment at this late stage of the case would have on the remaining case management order dates, particularly the September 11, 2020 settlement conference and the December 1, 2020 bench trial.

This is not the first time the parties ignored one of the Court's deadlines in this matter. In December 2019, the Court issued an order to show cause (ECF No. 51) after the parties failed to

comply with the voluntary facilitative mediation deadline. The parties were placed on notice that failure to comply with the specific directives and orders of this Court may result in sanctions, including dismissal of this action with prejudice. Under these circumstances, the Court will strike the Request for Pre-Motion Conference (ECF No. 71). In addition, the parties shall show cause in writing, through a joint submission, why they should not proceed with the remaining case management order dates. The joint submission should also address the status of this case. Accordingly:

IT IS HEREBY ORDERED that the Request for Pre-Motion Conference (ECF No. 71) is STRICKEN.

IT IS FURTHER ORDERED that the parties shall, not later than September 3, 2020, file a joint submission consistent with the directives set forth above.

Dated: August 27, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge